

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 17, 2001
SAN FRANCISCO, CALIFORNIA**

S093526 John Minster, Appellant
1st Dist. v.

A089857 Contadina Food, Inc., Respondent
Div. 3 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Camargo v. Tjaarda Dairy*, S088632 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S093628 City of Los Angeles, Petitioner
2nd Dist. v.

B143088 Los Angeles County Superior Court, Respondent
Div. 3 Jeremy Brandon, Real Party in Interest
Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S075300 The People, Plaintiff and Respondent,
v.

Thuan Van Nguyen et al., Defendants and Appellants.

THE COURT:

Opinion modified. This modification does not affect the judgment.

S092765 Patricia Adcock, et al., Petitioners

v.

California Public Utilities Commission, Respondent
Silverwood Estates Development Limited Partnership,
Real Party in Interest
Petition for review DENIED.

S093701 Juan Artez Harrison, Petitioner

v.

Third District Court of Appeal, Respondent
People, Real Party in Interest
Application for stay and petition for writ of mandate DENIED.

S060675 In re Robert Henry Nicolaus

on

Habeas Corpus

The application to amend the petition for writ of habeas corpus, filed August 13, 1997, is granted.

The petition for writ of habeas corpus is denied. All claims (numbered I through LXIII, and claim no. 1 in the addendum to the petition) are denied on the merits. In addition, all claims, with the exception of Claims XXXII (unconstitutionality of death penalty statute), LIX (same) and LXII (death penalty statute violates international law) are denied as untimely as they are substantially delayed without good cause as of the date of the filing of the petition. (*In re Robbins* (1998) 18 Cal.4th 770; *In re Clark* (1993) 5 Cal.4th 750.)

The following claims are further barred to the extent they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225): Claims XXVIII, XLVIII, LIV and LVII.

The following claims are further barred to the extent they are based solely on the record on appeal and could have been raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759): Claims III, IV, XV through XVII, XXI, XXIII through XXVI, XXIX, XXXI, XXXVI, XXXVII, XLVII, XLIX through LIII, LV, LVI, and LVIII.

Mosk, J. and Brown, J. would deny the petition solely on the merits.

S086929 In re Richard P. Pinola
 on
 Habeas Corpus
 Petition for writ of habeas corpus is DENIED.

1st Dist. People, Respondent
A086643 v.
Div. 2 David Massette, Appellant
S092998 Petition for review DENIED.

1st Dist. In re Golden Eagle Insurance Company
A087558 in Conservation of Assets
Div. 5 -----
S093136 Harry W. Low, as Insurance Commissioner, etc., Plaintiff
 v.
 Golden Eagle Insurance Company Respondent
 Ehsan Yaghoubi, Appellant
 Petition for review DENIED.

1st Dist. National American Insurance Company, Appellant
A087840 v.
Div. 4 City of Santa Rosa, Respondent
S093254 Petition for review DENIED.

1st Dist. People, Respondent
A088406 v.
Div. 3 William Lockard Milano, Appellant
S093595 Petition for review DENIED.
 The request for an order directing publication of the opinion in
 the above-entitled appeal is DENIED.

1st Dist. People, Respondent
A088547 v.
Div. 1 Howard Zaniel Roary, Appellant
S093547 Petition for review DENIED.

1st Dist. Carl W. Youngert et al., Appellants
A089069 v.
Div. 1 Wells Fargo Bank et al., Respondents
S093651 Petition for review DENIED.
The request for an order directing publication of the opinion is DENIED.
Baxter, J., did not participate.

1st Dist. Rex Richardson, et al., Appellants
A089295 v.
Div. 4 Tutor-Saliba Corporation, et al., Respondents
S093498 Petition for review DENIED.
Chin, J., is of the opinion the petition should be granted.

1st Dist. T.T. Chiang, Appellant
A090000 v.
Div. 2 Tse-Mu Chiang, Respondent
S093147 Petition for review DENIED.

1st Dist. People, Respondent
A091209 v.
Div. 4 Robert Lee Canulli, Appellant
S093612 Petition for review DENIED.

1st Dist. National Health Laboratories, Inc., et al., Petitioners
A091678 v.
Div. 2 Alameda County Superior Court, Respondent
S093678 Sherman Kassof, et al., Real Parties in Interest
Petition for review DENIED.

1st Dist. Joey Wells, et al., Petitioners
A092871 v.
Div. 5 San Francisco County Superior Court, Respondent
S094123 Camptonville Union Elementary School District, et al.,
Real Parties in Interest
Application for stay and petition for review DENIED.

2nd Dist. American Samoa Government, Respondent
B098606 v.
Div. 4 An Affiliated FM Insurance Company, Appellant
S093063 Petition for review DENIED.

2nd Dist. B124253 B128172 Div. 1 S093532	Terri Mitchell, Appellant v. Upjohn Company, Respondent And Companion Case Petition for review DENIED.
2nd Dist. B130491 Div. 2 S093726	People, Respondent v. Arthur Stepan Kabadaian, Appellant Petition for review DENIED.
2nd Dist. B131725 Div. 1 S092772	People, Respondent v. Noel Barajas et al., Appellants Petitions for review DENIED.
2nd Dist. B132659 Div. 6 S093688	In re the Marriage of Julie Ann and Brian Hassenflug ----- Julie Ann Hassenflug Litzsinger, Appellant v. Brian Hassenflug, Respondent Mark Litzsinger, Appellant Petition for review DENIED.
2nd Dist. B133192 Div. 1 S093591	People, Respondent v. Ismael Gutierrez, Appellant Petition for review DENIED.
2nd Dist. B133303 Div. 1 S093562	People, Respondent v. Samuel Rivera, Appellant Petition for review DENIED.
2nd Dist. B133453 Div. 3 S093572	Dana Commercial Credit Corporation, Inc., Respondent v. Ferns & Ferns et al., Appellant Petition for review DENIED.

2nd Dist. George Martinez, Appellant
B133982 v.
Div. 4 Valley Indoor Swap Meet, Respondent
S093583 Petition for review DENIED.

2nd Dist. In re Daniel M. Williams
B133998 on
Div. 4 Habeas Corpus
S092689 Petition for review DENIED.

2nd Dist. People, Respondent
B134136 v.
Div. 7 Valadelz, Appellant
S093648 Petitions for review DENIED.

2nd Dist. People, Respondent
B134474 v.
Div. 7 Jerry Carter, Appellant
S093550 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B135173 v.
Div. 2 William Hodges, Appellant
S093563 Petition for review DENIED.

2nd Dist. Susan N. Schattl, Appellant
B135459 v.
Div. 4 Pacific Bell, Respondent
S092992 Petition for review DENIED.

2nd Dist. People, Respondent
B135873 v.
Div. 2 Joe Alberto Jaimez, Appellant
S092953 Petition for review DENIED.

2nd Dist. Alan Nguyen, Appellant
B135793 v.
Div. 7 Employer's Insurance of Wausau, Respondent
S093451 Petition for review DENIED.

2nd Dist. Santa Margarita Area Residents Together et al., Appellants
B136088 v.
Div. 6 San Luis Obispo County Board of Supervisors, Respondent
S093285 Santa Margarita Limited, Real Party in Interest
Petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should
be granted.

2nd Dist. People, Respondent
B136835 v.
Div. 7 Shawn Lauritz Miller, Appellant
S093626 Petition for review DENIED.

2nd Dist. People, Respondent
B137284 v.
Div. 4 Jose Hugo Cano, Appellant
S093657 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B137437 v.
Div. 7 Juan Antonio Gomez, Appellant
S093681 Petition for review DENIED.

2nd Dist. People, Respondent
B138008 v.
Div. 6 Timothy Patterson, Appellant
S093720 Petition for review DENIED.

2nd Dist. People, Respondent
B138679 v.
Div. 7 Clarence B. Greene, Appellant
S093624 Petition for review DENIED.

2nd Dist. People, Respondent
B138912 v.
Div. 4 Chea Rick Phov, Appellant
S093573 Petition for review DENIED.

2nd Dist. Barry Beitler et al., Petitioners
B140203 v.
Div. 2 Los Angeles County Superior Court, Respondent
S093689 Westwood Village Development Company et al.,
Real Parties in Interest
Petition for review DENIED.

2nd Dist. Consolidated Freightways Corp., Petitioner
B144442 v.
Div. 5 Workers' Compensation Appeals Board et al., Respondents
S093475 Petition for review DENIED.
Baxter, J., did not participate.

2nd Dist. In re Christopher Torres
B144842 on
Div. 5 Habeas Corpus
S092650 Petition for review DENIED.

2nd Dist. Hilton San Francisco & Towers, Petitioner
B145368 v.
Div. 2 Los Angeles County Superior Court, Respondent
S093189 Gregory C. Don, Real Party in Interest
Petition for review DENIED.

2nd Dist. Richard L. Fine, Petitioner
B145656 v.
Div. 2 Los Angeles County Superior Court, Respondent
S093596 Paul Deflores, Real Party in Interest
Petition for review DENIED.

2nd Dist. Steven Ortega, Petitioner
B146000 v.
Div. 3 Los Angeles County Superior Court, Respondent
S093577 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. City of Los Angeles, Petitioner
B146017 v.
Div. 1 Los Angeles County Superior Court, Respondent
S093710 Marvin Scruggs, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. In re Wendell Allan Carter
B146535 on
Div. 7 Habeas Corpus
S094164 Petition for review DENIED.

3rd Dist. People, Respondent
C027881 v.
C028559 Kevin Neal Ladner, Appellant
S092801 And Companion Case
 Petitions for review DENIED.

3rd Dist. People, Respondent
C029708 v.
S092687 Leon Jerome Sapp, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C031031 v.
S092808 Charles Hoag, Appellant
 Petition for review DENIED.
 Mosk, J., and Kennard, J., are of the opinion the petition should
 be granted.

3rd Dist. People, Respondent
C031036 v.
S092930 Bounnhong Douangpangna, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C031341 v.
S092908 Frank Romas Sumahit, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C032366 v.
S093617 Steven Paul Smith, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C032580 v.
S093739 Jon Eric Holley, Appellant
 Petition for review DENIED.

3rd Dist. C032706 S093581	People, Respondent v. Robert S. II, Appellant Petition for review DENIED.
3rd Dist. C033598 S092966	People, Respondent v. Luis Alberto Martinez, Appellant Petition for review DENIED.
3rd Dist. C033772 S093593	People, Respondent v. Mark Hovgaard, Appellant Petition for review DENIED.
3rd Dist. C035062 S093615	People, Respondent v. Cynthia Ann Turner, Appellant Petition for review DENIED.
4th Dist. D028750 Div. 1 S093705	People, Respondent v. Helda Wilson, Appellant Petition for review DENIED.
4th Dist. D033288 D034308 Div. 1 S093708	People, Respondent v. Donald Lamont Strong, Appellant ----- In re Donald Lamont Strong on Habeas Corpus Petition for review DENIED.
4th Dist. D033348 Div. 1 S093440	Ballard F. Smith, Appellant v. Stephen Brunk, Respondent Petition for review DENIED.
4th Dist. D033394 Div. 1 S093604	James Rattan, et al., Appellants v. United Services Automobile Association, et al., Respondents Petition for review DENIED.

4th Dist. People, Respondent
D034031 v.
Div. 1 Richard Eugene Madsen, Appellant
S093598 Petition for review DENIED.

4th Dist. People, Respondent
D034168 v.
Div. 1 Karl Ignacio Naputi, Appellant
S093619 Petition for review DENIED.

4th Dist. People, Respondent
D034241 v.
Div. 1 Ronald W., Appellant
S093711 Petition for review DENIED.

4th Dist. Jerry Mailhot, Appellant
D034827 v.
Div. 1 City of San Diego, Respondent
S093693 Padres L.P., Real Party in Interest
Petition for review DENIED.

4th Dist. People, Respondent
D035198 v.
Div. 1 Christopher Lee Cataldo, Appellant
S093568 Petition for review DENIED.

4th Dist. Stony Brook Homeowners Association, et al., Petitioners
D035245 v.
Div. 1 San Diego County Superior Court, Respondent
S093527 Robert Diehl, Real Party in Interest
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
The requests for an order directing depublication of the opinion
are DENIED.

4th Dist. People, Respondent
D036449 v.
Div. 1 Francisco Ruelas, Appellant
S093582 Petition for review DENIED.

4th Dist. U.S. Pipe and Foundry Inc., Petitioner
D036629 v.
Div. 1 San Diego County Superior Court, Respondent
S092994 Vallecitos Water District, Real Party in Interest
Petition for review DENIED.

4th Dist. People, Respondent
E024296 v.
Div. 2 Thomas Bernidakis, Appellant
S092631 Petition for review DENIED.

4th Dist. People, Respondent
E025903 v.
Div. 2 Roosevelt Wooten, Appellant
S093994 Petition for review DENIED.

4th Dist. People, Respondent
E026329 v.
Div. 2 Allen Hymes, Appellant
S093623 Petition for review DENIED.

4th Dist. People, Respondent
E026336 v.
Div. 2 Daniel Torres Baldonado, Appellant
S093666 Petition for review DENIED.

4th Dist. People, Respondent
E026851 v.
Div. 2 Christopher Vasquez, Appellant
S093695 Petition for review DENIED.

4th Dist. In re Thomas J. Lee Burke
E027962 on
Div. 2 Habeas Corpus
S092676 Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

4th Dist. In re Roosevelt Wooten
E028211 on
Div. 2 Habeas Corpus
S093995 Petition for review DENIED.

4th Dist. Kenneth L. Baker, Petitioner
E028310 v.
Div. 2 Riverside County Superior Court, Respondent
S093354 People, Real Party in Interest
Application for stay and petition for review DENIED.

4th Dist. Randy Roper, Petitioner
E028419 v.
Div. 2 Riverside County Superior Court, Respondent
S093574 People, Real Party in Interest
Petition for review DENIED.

4th Dist. People, Respondent
G023352 v.
G026339 Lynn Ann MacPherson, Appellant
Div. 3 -----
S092790 In re Lynn Ann MacPherson on Habeas Corpus
Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
G023876 v.
Div. 3 Timothy Taplin, Appellant
S093564 Petition for review DENIED.

4th Dist. People, Respondent
G024007 v.
Div. 3 Janet Marie Carter, Appellant
S093585 Petition for review DENIED.

4th Dist. People, Respondent
G025059 v.
Div. 3 Richard William Croft, Appellant
S093020 Petition for review DENIED.

4th Dist. People, Respondent
G025781 v.
Div. 3 Edward E. Mayfield, Appellant
S093963 Petition for review DENIED.

4th Dist. People, Respondent
G026175 v.
Div. 3 Coen Eli Antillon, Appellant
S093630 Petition for review DENIED.

5th Dist. People, Respondent
F026062 v.
F031286 Crystal Lee Furness, Appellant
S092845 Petition for review DENIED.

5th Dist. People, Respondent
F028332 v.
F033529 Ronald Reno, Appellant
S092555 -----
In re Ronald Reno on Habeas Corpus
Petition for review DENIED.
Kennard, J., did not participate.

5th Dist. People, Respondent
F030471 v.
S093734 Michael Anthony Guecho, Appellant
Petition for review DENIED.

5th Dist. Gisela Dardon, Appellant
F030969 v.
S093450 Board of Trustees of the California State University, et al.,
Respondents
Robert K. Anderson, Respondent
Petition for review DENIED.

5th Dist. People, Respondent
F031022 v.
S092554 Blong Her, et al., Appellants
Petition for review DENIED.

5th Dist. People, Respondent
F032039 v.
S092761 Frank Henry Martin, Appellant
Petition for review DENIED.

5th Dist. In re Charles C. Haluska
F037002 on
S093607 Habeas Corpus
Petition for review DENIED.

5th Dist. Cesar Cadena, Petitioner
F037334 v.
S094428 Stanislaus County Superior Court, Respondent
Arlene Degraaf, Real Party in Interest
Application for stay and petition for review DENIED.

6th Dist. People, Respondent
H016465 v.
S092825 Ronald Allen Riva et al., Appellants
Petitions for review DENIED.
Mosk, J., is of the opinion review should be granted.

6th Dist. People, Respondent
H018103 v.
H019312 Donald Paul Glass, Appellant
S092634 And Companion Case
Petition for review DENIED.

6th Dist. People, Respondent
H019865 v.
S093011 David Eldridge Dukes, et al., Appellants
Petitions for review DENIED.

6th Dist. People, Respondent
H019955 v.
S093639 Gerald Oberg, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019965 v.
S093625 Andrew Chaparro Contreras, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H020145 v.
S093558 Anthony Craig Moore, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H021301 v.
S093675 Kelly Kaigler, Appellant
Petition for review DENIED.

6th Dist. In re Evangelino T., a Person Coming Under the Juvenile Court Law
H021316 -----
S093677 Santa Clara County Dept. of Family & Children's Svcs., Respondent
v.
Tina M. et al., Appellants
Petition for review DENIED.

6th Dist. In re Briana F., a Person Coming Under the Juvenile Court Law
H021476 -----
S093684 Santa Clara County Dept. of Family & Children Svcs., Respondent
v.
Randall Fielding, Appellant
Petition for review DENIED.

6th Dist. Sheila S., Petitioner
H021818 v.
S093743 Santa Clara County Superior Court, Respondent
Santa Clara County Dept. of Family & Children Services,
Real Party in Interest
Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

6th Dist. Luis Miguel Lopez, Petitioner
H022270 v.
S093297 Monterey County Superior Court, Respondent
People, Real Party in Interest
Application for stay and petition for review DENIED.

1st Dist. Charles Broughton, Plaintiff
A088571 v.
Div. 1 Mediacy, Appellant
S093671 The Hearst Corporation, Respondent
The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.

- 2nd Dist. City of Alhambra, Appellant
B133281 v.
Div. 2 City of South Pasadena, et al., Respondents
S093359 The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.
- 2nd Dist. Waltraud Krause, Appellant
B137432 v.
Div. 1 Otto Nemenz International, Inc., et al., Respondents
S092778 The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.
- 6th Dist. Elie Wurtman, Respondent
H020573 v.
S093676 E*Trade Group, Inc. et al., Appellants
The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.
- 1st Dist. John Crane, Inc., Petitioner
A093181 v.
San Francisco County Superior Court, Respondent
Wartnick, Chaber, Tigerman & Harowitz, Real Party in Interest
The time for granting review on the court's own motion is hereby
extended to and including February 11, 2001. (Cal. Rules of Court,
rule 28(a)(1).)
Due to clerical error, this order is entered nunc pro tunc effective
January 12, 2001.
- 2nd Dist. People, Respondent
B125332 v.
Earl Travis Gardner, Appellant
The time for granting review on the court's own motion is hereby
extended to and including March 2, 2001. (Cal. Rules of Court, rule
28(a)(1).)

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

- A086128/S093238 People v. Eugene Jones – February 23, 2001.
- A083797/S093239 People v. Thomas Lester Stark – February 26, 2001.
- A088761/S093207 People v. Alfred Lawrence Jackson – February 26, 2001.
- B130439/S093158 People v. Byron Q. Hebert – February 25, 2001.
- B131499/S093172 People v. Tony C. Morataya – February 25, 2001/
- B131883/S093195 People v. Patrick Anthony Mannery – February 26, 2001
- B133352/S093265 People v. Marc Alexander Graham – February 28, 2001.
- B140273/S093132 Nelson Medina v. State Farm Mutual Automobile Insurance Co. – February 20, 2001.
- C033883/S093117 People v. Donald Earl Box – February 25, 2001.
- D026830/S093287 People v. Ronald G. Self – February 28, 2001.
- D033287/S093491 People v. Milton Larue Fields – February 23, 2001.
- D033290/S093206 People v. Richard Vincent Mayes – February 23, 2001.
- D033612/S093266 People v. Enrique Rodriguez – February 28, 2001.
- E024841/S093464 People v. Phillip Hooker; In re Phillip Hooker on Habeas Corpus – February 23, 2001.
- E024920/S093327 People v. Manuel Guerrero, Jr.; and Consolidated Cases – February 26, 2001.
- G025741/S093352 People v. Joseph Valenzuela – February 27, 2001.
- G026107/S093080 People v. Danny John Swick – February 19, 2001.

H019350/S093463 People v. Timothy Paul Squires – February 28, 2001.

H019837/S093499 People v. Gene Costa – February 27, 2001.

S016730 People, Respondent

v.

Raymond Edward Steele, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including March 19, 2001.

S024599 People, Respondent

v.

Michael Lamont Jones, Appellant

Appellant's reply brief shall be filed on or before February 23, 2001. If the brief is not filed by that date, the court will consider the issuance of an order directing counsel to show cause before this court, when the matter is ordered on calendar, why counsel for appellant should not be held in contempt of court for the willful neglect of his duty to file the appellant's reply brief.

S025519 People, Respondent

v.

Colin Raker Dickey, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including February 13, 2001.

S040471 People, Respondent

v.

Milton Ray Pollock, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including March 20, 2001.

S081791 Dana E. Zelig et al., Appellants

v.

County of Los Angeles et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to briefs of amici curiae is extended to and including March 5, 2001.

S088257 Grossmont Healthcare District, Appellant

v.

San Diego Hospital Association et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to amicus curiae briefs filed on behalf of Marin General Hospital and Sutter Health is extended to and including January 31, 2001.

S089115 Elgin Haynie, Petitioner

v.

Los Angeles County Superior Court, Respondent

County of Los Angeles, Real Party in Interest

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's answer brief on the merits is extended to and including February 20, 2001.

No further extensions of time are contemplated.

S089120 People, Respondent

v.

Greg Acosta, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's brief on the merits is extended to and including February 13, 2001.

S091453 Filipina Jimenez et al., Petitioners

v.

San Diego County Superior Court, Respondent

T.M. Cobb Company and Viking Industries, Inc.,

Real Parties in Interest

On application of petitioners and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including February 13, 2001.

S027555 People, Respondent

v.

Alfredo R. Prieto, Appellant

The application of Andrew E. Rubin and Terrence V. Scott for permission to be relieved as appointed lead and associate counsel, respectively, on the state habeas corpus/executive clemency proceeding related to the above automatic appeal now pending this

court, by motion filed December 18, 2001, is denied without prejudice. (See Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 2 [“Withdrawal of counsel”].)

S054569 People, Respondent

v.

Daniel Lee Whalen, Appellant

Upon request of appellant for appointment of counsel, A. Richard Ellis is hereby appointed to represent appellant Daniel Lee Whalen for both the direct appeal and related state habeas corpus/executive clemency proceedings in the above automatic appeal now pending in this court.

S056391 People, Respondent

v.

Bob Russell Williams, Jr., Appellant

Upon request of appellant for appointment of counsel, Charles M. Bonneau is hereby appointed to represent appellant Bob Russell Williams, Jr. for both the direct appeal and related state habeas corpus/executive clemency proceedings, in the above automatic appeal now pending in this court.

S059739 In re James Robert Soctt

on

Habeas Corpus

Petitioner’s “motion to continue evidentiary hearing” and “motion for order regarding petitioner’s discovery requests,” filed December 19, 2000, are denied.

S087484 Lachi Delisa Richards, Respondent

v.

3rd Dist.

C027848

CH2M Hill, Incorporated, Appellant

Respondent’s motion to strike the answer brief is denied.

S089010 Stacy Cornette et al., Appellants

v.

Department of Transportation, Respondent

The application of 89 amici cities for leave to file a letter brief in reply to plaintiffs’ answer to amicus curiae brief of 89 cities is hereby granted.

S089120 People, Respondent

v.

Greg Acosta, Appellant

The request of appellant for permission to file one brief combining appellant's opening brief and answer brief on the merits not exceeding 75 pages in length is hereby granted.

S091530 In re Robert Gree Fairbank

On

Habeas Corpus

Good cause appearing therefore, the Attorney General's "Motion to Unseal and Release to Respondent Petitioner's Confidential Applications for Funds and All Court Orders Relating to Such Applications" filed on October 31, 2000, is granted as follows:

Petitioner Robert Green Fairbank, Jr., shall have until January 24, 2001 to serve and file a waiver of confidentiality as to (i) his January 9, 1996 "Appellant's Confidential Application for Investigative and Expert Funds, and Supporting Declaration of Robert Navarro," and (ii) this court's confidential order regarding that application. If petitioner declines to waive confidentiality as to the foregoing, petitioner shall be precluded from relying on these documents or the material contained therein in his petition for writ of habeas corpus (S091530) before this court.

Upon petitioner's filing of his waiver of confidentiality, the clerk is directed to provide the Attorney General with copies of "Appellant's Confidential Application for Investigative and Expert Funds, and Supporting Declaration of Robert Navarro," and this court's confidential order regarding that application.

The clerk is further directed to keep the original "Appellant's Confidential Application for Investigative and Expert Funds, and Supporting Declaration of Robert Navarro" and this court's confidential order regarding that application, under seal.

The Attorney General is prohibited from using the "Appellant's Confidential Application for Investigative and Expert Funds, and Supporting Declaration of Robert Navarro," the related court order, or the material contained in the foregoing documents, except in the present proceeding.

S094253 Malinee Chinakool, Petitioner

v.

Los Angeles County Superior Court, Respondent

MZL Properties Inc. et al., Real Parties in Interest

The above entitled matter is transferred to the Court of Appeal,
Second Appellate District.

5th Dist. In re Juan R.

F037325 In re Sergio R.

F037344 The above entitled matters, now pending in the Court of Appeal,
Fifth Appellate District, are transferred to the Court of Appeal, Third
Appellate District.

Bar In the Matter of the Application of the Committee of Bar Examiners
Misc. of the State of California for Admission of Attorneys

4186 The written motion of the Committee of Bar Examiners that the
following named applicants, who have fulfilled the requirements for
admission to practice law in the State of California, be admitted to
the practice of law in this state is hereby granted, with permission to
the applicants to take the oath before a competent officer at another
time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S090057 In the Matter of the Suspension of Attorneys

Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to
subdivision (1) of section 11350.6 of the Welfare and Institutions
Code, the suspension of **David Alton Kelly, State Bar No. 152133**,
pursuant to our order filed on July 21, 2001, and effective
August 24, 2000, is hereby terminated.

This order is final forthwith.

S092755 In re **Marie R. Cannella** on Discipline

It is ordered that **Marie R. Cannella, State Bar No. 115480**, be
suspended from the practice of law for one year, that execution of
the suspension be stayed, and that she be actually suspended from
the practice of law for 60 days as recommended by the Hearing
Department of the State Bar Court in its decision filed on
September 12, 2000, as modified by its order filed October 5, 2000;
and until the State Bar Court grants a motion to terminate her actual

suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S094229 In the Matter of the Resignation of **David Hampton Tedder**
A Member of the State Bar of California

The voluntary resignation of **David Hampton Tedder, State Bar No. 62983**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S094230 In the Matter of the Resignation of **Roger Louis Maino**
A Member of the State Bar of California

The voluntary resignation of **Roger Louis Maino, State Bar No. 34717**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary

proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S094230 In the Matter of the Resignation of **Roger Louis Maino**
A Member of the State Bar of California

The voluntary resignation of **Roger Louis Maino, State Bar No. 34717**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

